

## UNITED STATES DISTRICT COURT

District of

Delaware

UNITED STATES OF AMERICA

V.

FREDERICK WEHLE

*Defendant*

## ORDER OF DETENTION PENDING TRIAL

Case CR 06-127-GMS

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

## Part I—Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a ☐ federal offense ☐ state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed that is
- ☐ a crime of violence as defined in 18 U.S.C. § 3156(a)(4).
- ☐ an offense for which the maximum sentence is life imprisonment or death.
- ☐ an offense for which a maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_.
- ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses.
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- ☐ (3) A period of not more than five years has elapsed since the ☐ date of conviction ☐ release of the defendant from imprisonment for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

## Alternative Findings (A)

- (1) There is probable cause to believe that the defendant has committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_.
- ☐ under 18 U.S.C. § 924(c).
- (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

## Alternative Findings (B)

- X (1) There is a serious risk that the defendant will not appear.
- X (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

## Part II—Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by ☒ clear and convincing evidence ☒ a preponderance of the evidence: As a result of a detention hearing held in December 2006, the court detained defendant on the basis of risk of non-appearance and danger to the community for the following reasons:

1. Nature of the offense- Bank robbery, a crime of violence.
2. Strength of the evidence against defendant: at least two bank robberies with video surveillance, identified in photo array and admission to another similar bank robbery in PA.
3. Defendant has resided in both DE and CA. Has former relationships that produced children in each state. Had sporadic employment and was unemployed between 2001 to 2005 which brings into question how defendant supported himself. Defendant has two outstanding warrants in CA for VOP and dangerous drugs. April 2005 a protection order was issued against defendant in CA to protect his wife from him. His past criminal history reveals domestic assault in 2004 for which he was found in violation in July 2006. Defendant was convicted in 1998 of burglary 2d, found in violation in July 2006 for which probation was terminated. Also found guilty of burglary 2d three months later in 1998, found VOP in 2001, 2002, 2004 (twice) and July 2006 for which probation terminated. It appears that the VOPs in 2006 are related to his arrest by DSP for bank robbery 1st. Despite defendant's claim that he has no probation obligations in CA, there is an arrest warrant for him in that jurisdiction for VOP. He also has 3 drug arrests in CA and convictions in CA. Prior criminal history strongly supports violent behavior including his present offense.



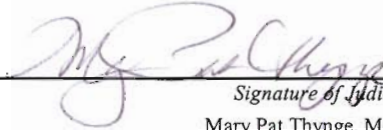
**Part III—Directions Regarding Detention**

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

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January 3, 2007

Date



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Signature of Judicial Officer

Mary Pat Thyng, Magistrate Judge

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Name and Title of Judicial Officer

\*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).